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Suite 700
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Washington, DC 20005

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OFFICE OF PETITIONS

In re Application of :
Andraschko, et al. :
Application No. 09/831,164 : **ON PETITION**
Filed: August 9, 2001 :
Attorney Docket No. 1318/49872 :

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed November 3, 2006.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the restriction requirement mailed July 29, 2003. The notice set a shortened period for reply of one month from its mailing date. No response was received within the allowable period, and the application became abandoned on August 30, 2003. A Notice of Abandonment was mailed on February 23, 2004.

Petitioner maintains that the notice was never received and that the holding of abandonment should be withdrawn, accordingly.

A review of the application file and the Office computer records reveals that on July 29, 2003, (the date the notice was mailed), the address of record was cited as "Crowell & Moring, Suite 700, 1200 G Street, NW, Washington, DC 20005." The notice was mailed to this address. Petitioner argues that the holding of abandonment should be withdrawn because the notice was not received at correct address for Crowell & Moring. Petitioner maintains that a request to change the correspondence address of record was filed in August 2001.

Petitioner's argument is not persuasive. Petitioner has not demonstrated that "P.O. Box 14300, Washington, DC 2004-4300" was the correct address of record on the date the notice was mailed. Applicants are required to provide the USPTO with a timely notification of a change of correspondence address and withdrawal of a holding of abandonment would not be appropriate when a notice is mailed, but there was a material change in a correspondence address and petitioner failed to provide timely notice same. A review of the application file reveals that the papers filed August 9, 2001, list the address of "Crowell & Moring, Suite 700, 1200 G Street, NW, Washington, DC 20005" as the correspondence address of record and that no request to change the address was found in the application file. Accordingly, petitioner's failure to receive the notice at "Crowell & Moring, Suite 700, 1200 G Street, NW, Washington, DC 20005" does not merit withdrawal of the holding of abandonment because petitioner did not notify the USPTO of the change of correspondence address to "P.O. Box 14300, Washington, DC 2004-4300." The petition is dismissed accordingly.

Petitioner may file a petition under 37 CFR 1.137(b) to revive the application. The fee for the petition is \$1500.00 large entity or \$750.00 for a small entity.

Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to address of record until appropriate written instructions to the contrary are received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.



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cc:

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